

RESOLUTION NO. CZAB5-9-05

WHEREAS, JOSE MILTON & VILLAGE SHOPPING CENTER TRUST applied for the following:

- (1) BU-1A to RU-4

REQUEST #1 ON THE SOUTHERN PARCEL

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.

REQUEST #2 ON THE NORTHERN & SOUTHERN PARCELS

- (3) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of county Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers,' as prepared by Salvador M. Cruxent, Architect, dated 12-20-84 and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II,' as prepared by Salvador M. Cruxent, Architect, dated, signed & sealed 1/31/05 consisting of 11 sheets and landscape plans prepared by EGS 2 Corp., dated signed and sealed 2/17/05 and consisting of 8 sheets."

The purpose of request #3 is to permit the applicant to submit new site plans for a residential apartment development on the southern parcel and showing pedestrian and vehicular connectivity to the existing development on the northern parcel.

- (4) DELETION of 3 Agreements as recorded in Official Record Book 7397, Pages 597 through 609 and Pages 620 through 625.

The purpose of request #4 is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

REQUESTS #3 & #4 ON THE NORTHERN PARCEL

- (5) Applicant is requesting to permit a proposed parking garage setback 20' from the south and 15' from the east property lines (25' required for both).
- (6) Applicant is requesting to permit all buildings spaced 20' from each other (30' required where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building on the same site).

REQUESTS #5 & #6 ON THE SOUTHERN PARCEL

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 & #4 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #5 & #6 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS SUBDIVISION, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: 6790 N.W. 186 Street & 18255-18345 N.W. 68 Avenue, Miami-Dade County, Florida

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to RU-4 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual use (Item #2) modification (Item #3), deletion (Item #4), and the requests to permit a proposed parking garage setback 20' from the south and 15' from the east property lines (Item #5), and to permit all buildings spaced 20' from each other (Item #6) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance,

and that the requested unusual use (Item #2) would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to deny Items #1-6 without prejudice was offered by Leonardo A. Perez, seconded by Roberto P. Serrano, and upon a poll of the members present the vote was as follows:

Sharon Franklin	nay	Archie E. McKay Jr.	aye
Richard Friedman	nay	Leonardo A. Perez	aye
Juan A. Garcia	nay	Roberto P. Serrano	aye
Paul O'Dell			aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to RU-4 be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested unusual use (Item #2) modification (Item #3), deletion (Item #4), and the requests to permit a proposed parking garage setback 20' from the south and 15' from the east property lines (Item #5), and to permit all buildings spaced 20' from each other (Item #6) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 31st day of March, 2005.

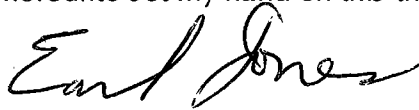
Hearing No. 05-3-CZ5-2
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

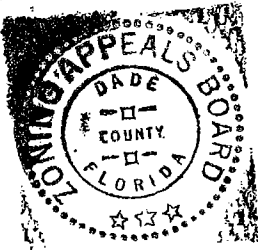
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-9-05 adopted by said Community Zoning Appeals Board at its meeting held on the 31st day of March, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 7th day of April, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning
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April 8, 2005

Jose Milton & Village
Shopping Center Trust
c/o Juan Mayol
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

Re: Hearing No. 05-3-CZ5-2
Location: 6790 N.W. 186 Street &
18255-18345 N.W. 68 Avenue,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB5-9-05, adopted by the Miami-Dade County Community Zoning Appeals Board 5, which denied your application without prejudice.

You are hereby advised that the decision of Community Zoning Appeals Board 5 can be appealed to The Board of County Commissioners within 14 days (**April 4, 2005**) after the results have been posted.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer